

Notice of Allowability

Application No.

10/024,200

Applicant(s)

ROBERTS ET AL.

Examiner

Art Unit

Shewaye Gelagay

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 3/28/06.
2. The allowed claim(s) is/are 1,3-6,8-10,12-15,17-19,21-24 and 26-34.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
 Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Kevin Zilka on May 15, 2006.

In Figures:

REPLACE figure 5, the second item "Fiole being written" with "File being written", a "replacement sheet" must be submitted by the applicant.

In the Claims:

REPLACE claims 1, 10 and 19 with the following rewritten claims:

Claim 1:

A computer program product stored on a computer-readable medium for controlling a computer to scan data accessible via an internet link for malware, said computer program product comprising:

- (i) address identifying code operable to identify within currently held data at least one internet address associated with said currently held data;
- (ii) receiving code operable to pre-emptively retrieve, via said internet link, an addressed data that would be, but has not yet been, accessed by a user following said

at least one internet address, after identifying within said currently held data said at least one internet address associated with said currently held data;

(iii) scanning code operable to pre-emptively scan said addressed data that was pre-emptively retrieved utilizing said internet link for malware; and
(iv) storing code operable to store result data identifying at least addressed data in which malware was not found;

wherein said addressed data is cached after said addressed data has been pre-emptively retrieved and pre-emptively scanned, but before said addressed data has been accessed by said user.

Claim 10:

A method of scanning data accessible via an internet link for malware, said method comprising:

(i) identifying within currently held data at least one internet address associated with said currently held data;
(ii) after identifying within said currently held data said at least one internet address associated with said currently held data, pre-emptively retrieving, via said internet link, an addressed data that would be, but has not yet been, accessed by a user following said at least one internet address;
(iii) pre-emptively scanning said addressed data that was pre-emptively retrieved utilizing said internet link for malware; and
(iv) storing result data identifying at least addressed data in which malware was not found;

wherein said addressed data is cached after said addressed data has been pre-emptively retrieved and pre-emptively scanned, but before said addressed data has been accessed by said user.

Claim 19:

Apparatus for scanning data accessible via an internet link for malware, said method comprising:

(i) address identifying logic operable to identify within currently held data at least one internet address associated with said currently held data;

(ii) retrieving logic operable to pre-emptively retrieve, via said internet link, an addressed data that would be, but has not yet been, accessed by a user following said at least one internet address, after identifying within said currently held data said at least one internet address associated with said currently held data;

(iii) scanning logic operable to pre-emptively scan said addressed data that was pre-emptively retrieved utilizing said internet link for malware; and

(iv) storing logic operable to store result data identifying at least addressed data in which malware was not found;

wherein said addressed data is cached after said addressed data has been pre-emptively retrieved and pre-emptively scanned, but before said addressed data has been accessed by said user.

Allowable Subject Matter

3. Claims 1, 3-6, 8-10, 12-15, 17-19, 21-24 and 26-34 allowed.

4. The following is an examiner's statement of reasons for allowance: The present invention is directed to a method for scanning data accessible via an internet link for malware. This data is pre-emptively retrieved and scanned for malware even though it has not been requested by a user. If the data is found to be malware-free, then a record of this is kept. If a user subsequently seeks to access the data associated with that embedded internet address, then the stored data may be referred to and if the internet address is found and the data associated with that address is unchanged since it was previously scanned, then that data may be supplied to the user without the need to be rescanned. With respect each of the independent claim 1: the primary reason for allowance over the prior art on record is that no prior art teaches or fairly suggests, the limitation such as among other things, "pre-emptively retrieving, via an internet link, an addressed data that would be, but has not yet been, accessed by a user following said at least one internet address". The closest prior art of record Bates (U.S. 6,785,732) and Liu (U.S. Publication 2002/0147780) either taken individually or in combination do not teach or suggest the limitations claimed in claim 1: A computer program product stored on a computer-readable medium for controlling a computer to scan data accessible via an internet link for malware, said computer program product comprising:

- (i) address identifying code operable to identify within currently held data at least one internet address associated with said currently held data;
- (ii) receiving code operable to pre-emptively retrieve, via said internet link, an addressed data that would be, but has not yet been, accessed by a user following said

at least one internet address, after identifying within said currently held data said at least one internet address associated with said currently held data;

(iii) scanning code operable to pre-emptively scan said addressed data that was pre-emptively retrieved utilizing said internet link for malware; and

(iv) storing code operable to store result data identifying at least addressed data in which malware was not found;

wherein said addressed data is cached after said addressed data has been pre-emptively retrieved and pre-emptively scanned, but before said addressed data has been accessed by said user.

Independent claims 10 and 19 have similar limitations as independent claim 20 and therefore are allowed for similar reasons.

Dependent claims 3-6, 8-9, 12-15, 17-18, 21-24 and 26-34 depend from independent claims 1, 10 and 19 and inherently include limitations therein and therefore are allowed as well.

5. If applicants are aware of better art than that which has been on record, they are required to call such attention to the examiner. Furthermore, any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 10/024,200

Page 7

Art Unit: 2137

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5/15/06

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SUPERVISORY PATENT EXAMINER